

ORIGINAL FILED

UNITED STATES DISTRICT COURT U.S. DISTRICT COURT
DISTRICT OF NEBRASKA DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,) 13 FEB -4 PM 1:12
Respondant,) OFFICE OF THE CLERK
)
v.) Case No. 8:09-CR-3
)
ANTONIO FRAUSTO,) Honorable Joseph F. Bataillon
Petitioner.)

REQUEST FOR CERTIFICATE OF APPEALABILITY

The Petitioner, Antonio Frausto ("Frausto") pro se, requests the Court pursuant to 28 U.S.C. §2253(c) to issue a Certificate of Appealability (COA) on the following issues raised in his motion under §2255 and denied by the Court on January 8, 2013.

(1) my guilty plea was not knowingly and voluntarily entered, (2) trial counsel was ineffective for failing to obtain spectrographic voice analysis, (3) my appellate counsel was ineffective on direct appeal, and (4) I do not qualify for leadership role in the offense. (See supporting facts and law in §2255 motion and Memorandum of Facts and Law).

Wherefore a Certificate Of Appealability should issue because Frausto has shown the substantial denial of his constitutional rights.

Respectfully submitted

Antonio Frausto

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